

**REMARKS**

**1. The Restriction Requirement**

The Examiner has restricted the originally filed claims of the application into four Groups:

- I. Claims 1, 2, 19-32 (in part), 39-53 (in part), 54-58, 92-95, 108-112, 113 (in part) and 116 (in part);
- II. Claims 3-10, 19-32 (in part), 33-38, 39-53 (in part), 59-61, 64-77, 99-104, 106, 107, 113 (in part) and 116 (in part);
- III. Claims 11-13, 17, 18, 19-32 (in part), 39-53 (in part) 62 and 114;
- IV. Claims 14-16, 19-32 (in part), 39-53 (in part), 63 and 115; and
- V. Claims 78-91 and 98.

Applicants elect the claims of Group IV for examination in this application. This election is without specific prejudice to applicants' right to seek patents on the subject matter claims of Groups I-III and V in this application, or permissible rejoinder or otherwise, or in applications claiming benefit from it.

Applicants also traverse the restriction requirement to the extent it does not include claims 64-72 (in part) and 106, 107 and 116 (in part) in Group IV. Like other of the claims in Group IV, claims 64-72, 106, 107 and 116 recite a library of a collection of members of a diverse family of peptides. Applicants request that these claims, as amended in accordance with this response, be included in Group IV and examined in this application.

Consistent with the above restriction and election, applicants have withdrawn the non-elected claims from this application, except for those method claims directed to producing the library of Group IV. These method claims (*i.e.*, claims 7, 8, 9, 10, 19-32 (in part), 33-38, 39-53 (in part), 60, 61, 64-72 (in part), 73-77, 101, 102, 104, 113 and 116 (in part) are subject to rejoinder.

Applicants have also amended claims 19, 20, 21, 30, 33, 39, 43, 45, 47, 50, 61, 64, 107, 113 and 116 to direct them solely to the subject matter of Group IV or to the methods of producing that subject matter. Like applicants' election, these amendments are made specifically without prejudice to applicants' rights to seek patents on the deleted subject matter in this application, or permissible rejoinder or otherwise, or in applications that claim benefit from it.

## **2. The Election Requirements**

In the context of Group IV, the Examiner also requires for the "purpose of search" election of species in subgroups 1-10. Applicants traverse. In an April 19, 2005 telephone conference with the Examiner, applicants' attorney explained why many of the species groups, e.g., temperature, source of DNA (cells or autoimmune disease), restriction endonuclease, specific sequences, length of single-stranded or double-stranded portions or method of amplification, were unlikely to make search easier. Examiner Epperson said he understood. However, he said it would still be helpful to make the elections.

Therefore, for this response to be complete, applicants have made the required elections for the purpose of search only.

**1. Subgroup 1**

For purposes of search, applicants elect B -- partially double-stranded DNA (*see* claim 2). Claims 14, 16, 19-32, 39-53, 63-72, 106, 107, 115 and 116 of Group IV read on the elected species.

**2. Subgroup 2**

For purposes of search, applicants elect the *FokI* restriction endonuclease. *See* page 31, lines 8-9. Claims 19-32, 39-44, 47-53, 63-72, 106-107, and 115-116 of Group IV read on the elected species.

**3. Subgroup 3**

For purposes of search, applicants elect heavy chain, human FR3. *See* page 22, lines 11-22; page 32, lines 6-10. Claims 14-16, 19-32, 39-53, 63-72, 106-107, and 115-116 of Group IV read on the elected species.

**4. Subgroup 4**

For purposes of search, applicants elect systemic lupus erythematosus. *See* page 15, lines 7-11, Example 1 (page 44). Claims 14-16, 19-32, 39-53, 63-72, 106-107, and 115-116 of Group IV read on the elected species.

**5. Subgroup 5**

For purposes of search, applicants elect blood cells. *See* page 14, line 33; Example 1 (page 44). Claims 14-16, 19-32, 39-53, 63-72, 106-107, and 115-116 of Group IV read on the elected species

**6. Subgroup 6**

Applicants assume that this subgroup addresses the length of the single stranded portion of the adapter DNA (claim 55). With that understanding, applicants elect, for purposes of search, a single-stranded or overlap portion of 8 base pairs. *See* page 36, lines 3-10. Claims 14-16, 19-32, 39-53, 63-72, 106-107, and 115-116 of Group IV read on the elected species

**7. Subgroup 7**

For purposes of search, applicants elect RACE amplification. *See* page 19, lines 13-17; Example 1 (page 44). Claims 14-16, 19-32, 39-53, 63-72, 106-107, and 115-116 of Group IV read on the elected species

**8. Subgroup 8**

For purposes of search, applicants elect 55°C. *See* page 31, lines 23-35. Claims 14-16, 19-32, 39-53, 63-72, 106-107, and 115-116 of Group IV read on the elected species

**9. Subgroup 9**

For purposes of search, applicants elect a double-stranded portion of 18 base pairs. *See* page 31, line 26 - page 32, line 5. Claims 14-16, 19-32, 39-53, 63-72, 106-107, and 115-116 of Group IV read on the elected species

**10. Subgroup 10**

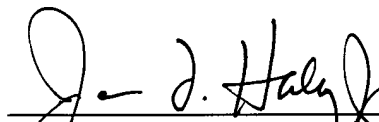
Applicants assume this subgroup refers to the single-stranded portion of the partially double-stranded oligonucleotide, *e.g.*, claims 47-49. Otherwise, it appears

duplicative of Subgroup 6. For purposes of search, applicants elect a single-stranded or overlap portion of 18 base pairs. *See* page 29, lines 23-26. Claims 14-16, 19-32, 39-53, 63-72, 106-107, and 115-116 of Group IV read on the elected species

**CONCLUSION**

In view of the foregoing, applicants request reconsideration of the restriction/election requirement and allowance of the claims of Group IV.

Respectfully submitted,



---

James F. Haley, Jr. (Reg. No. 27,794)  
Attorney for Applicants

c/o Fish & Neave IP Group  
ROPES & GRAY LLP  
Customer No. 1473  
1251 Avenue of the Americas  
New York, New York 10020-1105  
Tel.: (212) 596-9000  
Fax.: (212) 596-9090